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IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	CR 20-00021
)	
Plaintiff,)	DEFENDANT'S RESPONSE TO
)	DRAFT PRESENTENCE
vs.)	INVESTIGATION REPORT
)	
RICKY JAMES JR. SALAS SANTOS,)	
)	
Defendant.)	
_____)	

Ricky James Jr. Salas Santos, through counsel, respectfully files this Response to the draft Presentence Investigation Report ("PSR").

Objections

Ricky respectfully objects to the following paragraphs: 27, 30, 32, 36, and 81, because they do not reflect his role as a minor participant. Both the government and Ricky agree that he is a minor participant, and Ricky's plea agreement reflects this understanding. *See* Plea Agreement, ECF 119 at 7–8.

The draft PSR has his base offense level as 32 (§ 27); however, this should be amended to a base offense level of 30. Under U.S.S.G. § 2D1.1(a)(5), if a defendant is given a mitigating role reduction and has an offense level of 32 under the Drug Quantity Table, their base offense level is decreased by 2, to a base offense level of 30. Therefore, paragraph 27 of the draft PSR should be amended to a base offense level of 30.

Paragraph 30 of the draft PSR does not reflect a mitigating role reduction. Ricky is entitled to at least a 2-point reduction for his role in this offense under U.S.S.G. § 3B1.2. As mentioned by the government at his Change of Plea Hearing, Ricky's role in the offense was minor as compared to others who are being investigated. The parties agree that Ricky is entitled to a minor role reduction, which was reduced to writing and specifically negotiated in the plea agreement at ECF 119, page 8. Therefore, paragraph 30 should be amended from a zero to a "-2".

After this adjustment is made, paragraph 32 needs to be amended to reflect an Adjusted Offense Level of 26 rather than 30. After acceptance of responsibility points are subtracted, Ricky's Total Offense Level should be a 23 rather than a 27. Once those changes are made, and with a Criminal History Category of I, the advisory sentencing guidelines range should be 46–57 months, and paragraph 81 should be

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amended to reflect this lower advisory range after inclusion of the minor role reduction.

DATED: Mongmong, Guam, October 14, 2021.

/s/



Briana E. Kottke
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District of Guam

Attorney for Ricky James Jr. Salas Santos